

GENERAL APPEAL PROCEDURES

Once a final judgment, or other appealable order or decree has been entered by a circuit court, either party to the case, plaintiff or defendant, may seek appellate review of such judgment, decree or order. The two tribunals which have appellate jurisdiction to review final judgments are the Supreme Court and the Court of Appeals.

“Perfecting an appeal” refers to the legal process by which an appeal is taken to a higher court. The procedures relating to appeals to the Supreme Court and Court of Appeals are set out in the Rules of the Supreme Court, Volume 11 Parts 5 & 5A.

NOTICE OF APPEAL:

Notices of appeal must be filed in writing in the Clerk's office within thirty (30) calendar days of the entry date of a final judgment or other appealable order. The Notice of Appeal must include the date of the Order being appealed and which Court (Supreme Court or Court of Appeals) the case is being appealed.

FILING FEES: NO PERSONAL CHECKS WILL BE ACCEPTED

- \$32.00 filing fee must be submitted when filing the Notice of Appeal.

The Court will accept cash, certified check or a money order, made payable to:

**Clerk of the Circuit Court
4110 Chain Bridge Road
Fairfax, VA 22030**

Attn: Court of Appeals Processing Clerk / or Supreme Court Appeals Processing Clerk

Once a Notice of Appeal is filed, the Circuit Court clerk is responsible for preparing the record and transmitting it to the designated appellate court within 90 days.

Filing an appeal to the Court of Appeals or the Supreme Court, does not mean that you automatically get a new trial. The appellate court will determine if judicial error was made in the case. The final decision at the appellate level in a case is called a “mandate”. The mandate may affirm or reverse the ruling of the trial court, or it may dismiss the appeal. If the appeal ends in reversal of this trial court’s decision and remands the case for a new trial, the matter is returned to this court for a new trial.

Appeals should contain all information required by the Rules of the Supreme Court (Code of Virginia, Volume 11) and comply with the statutory requirements. The appeal should also include which court the case is being appealed (Supreme Court - Code Section 8.01-670 or Court of Appeals - Code Section 17.1-405 – 17.1-408).

It is the parties’ responsibility to ensure that any transcripts or statements of fact are filed within the established time frames and that notices of such are sent.

Please refer to the Rules of the Supreme Court for more complete information pertaining to appeals, along with the deadlines and fees associated with appeals.

The Clerk's Office staff is prohibited by law from giving any legal advice or advice concerning how to proceed on an appeal.